



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,899	03/31/2004	John Riley Hawkins	101896-662 (DEP5055USNP)	1803
21125	7590	03/07/2008		EXAMINER
NUTTER MCCLENNEN & FISH LLP				EZQUERDO, DAVID A
WORLD TRADE CENTER WEST				
155 SEAPORT BOULEVARD			ART UNIT	PAPER NUMBER
BOSTON, MA 02210-2604				3738
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@nutter.com

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/813,899	HAWKINS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID A. IZQUIERDO	3738

All participants (applicant, applicant's representative, PTO personnel):

(1) David A. Izquierdo. (3) Bill Gary.

(2) Rory Pheiffer. (4) \_\_\_\_\_.

Date of Interview: 21 February 2008.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Robbie et al (US 2002/0161366) and Landry et al (US 2003/0233145).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant proposed amending the claims to include "fixing a position of a midline marker such that a portion of the midline marker embeds in a face of a vertebral body to mark a midline thereof" as suggested by Examiner in the previous office action. Examiner stated that the amendments would most likely overcome the current prior art rejection however further search would be needed to determine allowability.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/David A. Izquierdo/

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required